



GOVERNMENT OF PUERTO RICO
DEPARTMENT OF STATE



February 9, 2023

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San Juan, PR 00917

SUBJECT MATTER
MARK
CLASS
FILING NUMBER
FILING DATE
APPLICANT

Office Action
DECATHLON
041
248787-41-0
July 20th, 2022
DECATHLON

To whom it may concern:

In order to proceed with the examination of the said mark Applicant must submit the following information:

- ☒ 1. Clearly state the goods and/or services in connection with the mark as used or intended to be used in commerce in Puerto Rico. This applies if the Applicant customized the selection of goods or services.

The Application in reference includes a broad and indefinite description of the goods and/or services in which the trademark will be used. A written application must specify the particular goods and/or services on or in connection with which the applicant uses, or has a bona fide intention to use, the mark in commerce. To "specify" means to name in an explicit manner. The identification should set forth common names, using terminology that is generally understood. The identification of goods and/or services must be specific, definite, clear, accurate, and concise. *In re Societe Generale des Eaux Minerales de Vittel S.A.*, 1 USPQ2d 1296 (TTAB 1986), rev'd on other grounds, 824 F.2d 957, 3 USPQ2d 1450 (Fed. Cir. 1987); *The Procter & Gamble Co. v. Economics Laboratory, Inc.*, 175 USPQ 505 (TTAB 1972), modified without opinion, 498 F.2d 1406, 181 USPQ 722 (C.C.P.A. 1974).

Applicant identifies and classifies the goods and/or services as follows:

- "Education; training; entertainment; sports and cultural activities. Entertainment services, namely providing online non-downloadable virtual games, in connection with sports equipment, sporting and gymnastic articles, bicycles, tents, cosmetics, helmets, sports goals, snowshoes, ski equipment, surfboards, golf clubs, lighting fixtures, watches, exercise machines, balls, swimming equipment, food, beverages, footwear, clothing, headgear, eyewear, bags, games, toys and accessories ; providing interactive websites for virtual reality game services; providing interactive websites for virtual environment services for the entertainment of users; provision of virtual

environments enabling the broadcast of entertainment content and sporting events; entertainment services, namely, organizing virtual shows, entertainment events and virtual sporting events; organization of online virtual sports competitions for entertainment purposes.” in International Class 041.

The wording in the identification of goods and/or services needs clarification because it is too broad and could include goods and/or services classified in other international classes. Applicant must clarify the identification of goods and/or to specify the nature of the goods as well as their main purpose and their particular field of use or channels of trade. The applicant may aid in clarifying the indefinite term by following the indefinite subject matter with “namely, [specify goods and/or services by generic or common commercial name and field of use].” Any modification to this wording must identify goods and/or services in properly classified in the original International Class specified in the application for these goods and/or services.

Applicant may substitute the following wording:

- “Education; **ORGANIZING, ARRANGING AND CONDUCTING TRAINING AND EDUCATIONAL PROGRAMS [INCLUDED IN THIS CLASS];** entertainment; **PROVIDING INFORMATION RELATING TO ORGANIZING COMMUNITY SPORTING AND CULTURAL ACTIVITIES, CONTESTS AND GAMES. ENTERTAINMENT SERVICES, NAMELY, PROVIDING ON-LINE, NON-DOWNLOADABLE VIRTUAL GAMES FOR USE IN VIRTUAL ENVIRONMENTS CREATED FOR ENTERTAINMENT PURPOSES; VIRTUAL REALITY GAME SERVICES PROVIDED ON-LINE FROM A COMPUTER NETWORK; PROVIDING INTERACTIVE WEBSITES FEATURING ENTERTAINMENT INFORMATION; PROVISION OF VIRTUAL ENVIRONMENTS IN WHICH USERS CAN INTERACT FOR RECREATION, LEISURE, ENTERTAINMENT, EDUCATION, AND TRAINING; ENTERTAINMENT SERVICES IN THE NATURE OF ARRANGING, ORGANIZING AND HOSTING VIRTUAL SHOWS AND SOCIAL ENTERTAINMENT EVENTS; ORGANIZING, ARRANGING, AND CONDUCTING VIRTUAL SPORTING EVENT IN THE NATURE OF A RUNNING RACE AND MARATHONS AND SOCIAL ENTERTAINMENT EVENTS; ORGANIZATION OF REAL OR VIRTUAL SPORTS COMPETITIONS FOR ENTERTAINMENT PURPOSES**” in International Class 041; if accurate.

Be advised that this amendment is illustrative and not exhaustive.

The Applicant is referred to the International Classification of Goods and Services under the Nice Agreement provided by the World Intellectual Property Organization for assistance in describing the specific goods in relation to which the Applicant uses the mark in commerce. For a list of the latest Nice Classification of goods you can access the following website:

<http://www.wipo.int/classifications/nivilo/nice/index.htm?lang=EN>

Please note that, while an application may be amended to clarify or limit the identification of services, adding to or broadening the scope of the services is not permitted. Therefore, applicant may not amend the identification to include any services that are not within the scope of the services set forth in the present identification.

- ☐ 2. Provide a drawing of the mark as used or as intended to be used in commerce in Puerto Rico.

- ☐ 3. Provide a detailed description of the mark as used or as intended to be used in commerce in Puerto Rico.
- ☐ 4. Provide a specimen that shows the mark in connection with the goods or services identified in your application.
- ☐ 5. Applicant must disclaim those terms or components of the mark which are not susceptible of exclusive appropriation.
- ☐ 6. The registration for the applied mark is refused on the following grounds:
- ☐ 7. Other.

According to Rule 27 of Puerto Rico's Trademark Rules of Procedure, if the PRTTO does not receive a response to the abovementioned remarks within ninety (90) days, the Application shall be considered abandoned.

Note: Please refer to the name of the Examining Attorney. The office action response shall be filed online at <https://prtmfiling.f1hst.com/>. Please select "RESPUESTA A NOTIFICACION" from the dropdown menu. The cost of said filing is \$15.00. If any questions should arise, you can contact the Examining Attorney at jtorres@estado.pr.gov or marcas@estado.gobierno.pr

Cordially,

A handwritten signature in blue ink, appearing to read 'José M. Torres', with a stylized flourish at the end.

José M. Torres, Esq.
Examining Attorney
Puerto Rico Trademark Office